IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

Crl.MC.No. 3411 of 2007()

LP.4/1998 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOCHI
CRIME NO.125/95 OF MATTANCHERY POLICE STATION

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PETITIONER:

P.P. SURENDRAN,
CHOOLAPURAKKAL HOUSE, THIRUMALA WARD,
PONJIKKARA, ALAPPUZHA.

BY ADV. SRI.G.SUKUMARA MENON

RESPONDENT:

THE STATE OF KERALA,
REPRESENTED BY THE SUB INSPECTOR OF POLICE,
MATTANCHERY POLICE STATION THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY P.P.SRI.P.SRI.RAVINDRA BABU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C.No. 3411 of 2007

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Dated this the 15th day of November, 2007

ORDER

The petitioner faces indictment in a prosecution for offences punishable, inter alia, under Sections 420 and 468 IPC. Cognizance has been taken. Crime was registered as early as in 1995. Investigation is complete. Final report has been filed. Cognizance was taken by the learned Magistrate. The petitioner was not arrested and released on bail at any earlier stage. Consequent to the non appearance of the petitioner before the learned Magistrate after cognizance was taken, the case was transferred to the list of long pending cases. Coercive processes have been issued by the learned Magistrate. Petitioner finds a warrant of arrest issued by the learned Magistrate chasing him. According to the petitioner, he is absolutely innocent. His absence earlier was not wilful or deliberate. He is willing to surrender before the learned Magistrate but he apprehends that his application for bail may not be considered by the learned Magistrate, in accordance with law and expeditiously. He therefore prays that a direction may be issued under Section 482 Cr.P.C to the learned Magistrate to release him on bail when he

appears and applies for bail.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. The learned Magistrate must consider such application for bail on merits, in accordance with law and expeditiously. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C. is, in these circumstances, dismissed, but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously-on the date of surrender itself.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE